

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOROTHY SILVA,

Plaintiff,

Docket No.: 08-CV-0184 (SCR)

ANSWER

-against-

TOWN OF MOUNT KISCO,

Defendant.
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Defendant, TOWN OF MOUNT KISCO, by its attorneys, MIRANDA SOKOLOFF
SAMBURSKY SLONE VERVENIOTIS LLP, answering the plaintiff's complaint:

PARTIES

1. Denies having knowledge and information sufficient to form a belief as to the
allegations contained in paragraph "1" of the complaint.

2. Denies the allegations contained in paragraph "2" of the complaint, except admits
that defendant is a municipal corporation organized under the laws of this state and refers all
questions of law to the Court for adjudication.

JURISDICTION & VENUE

3. Denies the allegations contained in paragraph "3" of the complaint and refers all
questions of law to the Court for adjudication.

4. Denies the allegations contained in paragraph "4" of the complaint and refers all
questions of law to the Court for adjudication.

5. Denies the allegations contained in paragraph "5" of the complaint and refers all
questions of law to the Court for adjudication.

FACTUAL AVERMENTS

6. Denies having knowledge and information sufficient to form a belief as to plaintiff's impairment, denies all remaining allegations contained in paragraph "6" of the complaint, and refers all questions of law to the Court for adjudication.

7. Denies having knowledge and information sufficient to form a belief as to plaintiff's allegations of abuse and domestic situation, denies all remaining allegations contained in paragraph "7" of the complaint, and refers all questions of law to the Court for adjudication.

8. Denies the allegations contained in paragraph "8" of the complaint.

9. Admits the allegations contained in paragraph "9" of the complaint and refers all questions of law to the Court for adjudication.

10. Denies having knowledge and information sufficient to form a belief as to the allegations contained in paragraph "10" of the complaint.

11. Denies each and every allegation contained in paragraph "11" of the complaint.

12. Denies each and every allegation contained in paragraph "12" of the complaint.

13. Denies each and every allegation contained in paragraph "13" of the complaint.

14. Denies each and every allegation contained in paragraph "14" of the complaint.

15. Admits that the Town Justices responded to a FOIL request, denies the remaining allegations contained in paragraph "15" of the complaint, and refers the Court to the documents referred for the contents thereof.

16. Denies each and every allegation contained in paragraph "16" of the complaint.

17. Denies each and every allegation contained in paragraph "17" of the complaint as defendant has not acted in violation of any law, and refers all questions of law to the Court for adjudication.

AS AND FOR A RESPONSE TO PLAINTIFF'S FIRST CAUSE OF ACTION

18. As to paragraph "18" of the complaint, defendant repeats and realleges the denials set forth above in response to the allegations contained in paragraphs "1" through "17" of the complaint.

19. Denies each and every allegation contained in paragraph "19" of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE DEFENDANT ALLEGES:

20. The complaint fails to state a cause of action for which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE DEFENDANT ALLEGES:

21. Defendant's conduct does not rise to a level of willful indifference.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE DEFENDANT ALLEGES:

22. Plaintiff lacks standing.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE DEFENDANT ALLEGES:

23. This case, in whole or in part, is not ripe.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE DEFENDANT ALLEGES:

24. Defendant complied with all obligations under all applicable federal and state laws.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE DEFENDANT ALLEGES:

25. Defendant complied with the request for a sign language interpreter.

WHEREFORE, defendant, TOWN OF MOUNT KISCO, requests judgment dismissing the complaint and denying all relief requested therein, together with such other and further relief

as the Court may deem just, equitable, and proper.

DATED: Mineola, New York
March 19, 2008

MIRANDA SOKOLOFF SAMBURSKY
SLONE VERVENIOTIS LLP
Attorneys for Defendant



By: _____

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